THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4163 of 2007

Date: 02.03.2007

Between:

Dr.Qamar Hussain Ansari

....Petitioner

and

The Assistant Divisional Engineer and another.

....Respondents

O R D E R:

The petitioner was extended the power supply through service connection No.A4004141/ Category LT-2 for his premises at Humayun Nagar, Masab Tank, Hyderabad. On 17.04.2006, officials of the respondents have inspected the premises. Suspecting that the petitioner had resorted to theft of electricity, the first respondent ordered disconnection of power supply and issued an order of provisional assessment indicating an amount of Rs.2,56,066/- through his letter, dated 19.04.2006. It was also pointed out that in case the petitioner wants restoration of power supply, he must deposit half of the said amount. The petitioner challenges the said proceedings. The petitioner is said to have deposited a sum of Rs.42,678/-.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The power supply to the petitioner was disconnected pending enquiry into the allegation of theft of power. The rights and obligations of the petitioner on the one hand and the respondents on the other in the matter of supply of power are governed by the provisions of the Electricity Act, 2003. Section 135 thereof was interpreted by a Division Bench of this Court and it was held that the respondents cannot disconnect the power

supply pending enquiry into the allegations, malpractices and theft of power.

Following the same, the writ petition is allowed and the respondents are directed to restore the power supply to the premises of the petitioner immediately without insisting on payment of any amount as directed in the impugned letter. It is, however, made clear that it shall be open to the respondents to proceed against the petitioner in the matter of assessment and recovery of the resultant amount, in accordance with law. There shall be no order costs.

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02.03.2007 kdl